

MIDDLESEX COUNTY IMPROVEMENT AUTHORITY

101 INTERCHANGE PLAZA • CRANBURY, NEW JERSEY 08512

Telephone: (609) 655-5141 • Fax: (609) 655-4748

Website: www.mciauth.com • E-mail: mciaadmin@mciauth.com

Via Email

June 12, 2015

Mr. Roch Baamonde
Grants and Contract Management Branch
US Environmental Protection Agency Region 2
290 Broadway, 27th Floor
New York, NY 10007

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modification of
budget & wf.

RE: Budget and Workplan Modification Requests
Middlesex County Improvement Authority
2009 Assessment Coalition Grant
Cooperative Agreement No. BF 97228010

Dear Mr. Baamonde:

The Middlesex County Improvement Authority (MCIA) respectfully requests modifications to its brownfields grant Work Plan and Budget. The proposed modifications are attached for your consideration.

The MCIA has worked extensively with the City of Perth Amboy and Woodbridge Township on the implementation of this grant. As was described in an earlier extension request, implementation of grant work initially was delayed by the start of the New Jersey Licensed Site Remediation Professionals Program. This new program abolished the state Voluntary Cleanup Program and led to both liability and administrative concerns and delayed procurements for grant-funded work for a long time. Activities also were postponed due to substantial changes in personnel at the Perth Amboy Redevelopment Agency and the Community and Economic Development Department, a change of the Administration of the City of Perth Amboy, and many changes in priority sites in both communities. As a county entity, we provide expertise and resource assistance to communities, but we rely on the municipalities for stable decisions, site access and their collaboration.

Since our grant extension, tremendous progress has been made. Both Perth Amboy and Woodbridge updated their lists of priority sites. Perth Amboy has a small but dedicated and innovative staff with whom we communicate daily. These measures have allowed grant activities to move forward quickly. In addition, by using MCIA in-house staff, and some TAB Program support, more than 80 properties have been screened at one time or another under the grant. This

includes an additional nine sites that were recently approved by EPA for grant-funded activities. The information gained by the communities through this screening process has been very valuable to their overall redevelopment efforts and has saved grant program time and dollars.

In the past two years, the grant specifically has funded:

- Completion of seven Preliminary Assessment Reports;
- Completion of six Site Investigation Work Plans and six site-specific Quality Assurance Project Plans and Health and Safety Plans;
- More than \$100,000 in work on the 2nd St. site in Perth Amboy that will be redeveloped as a waterfront park. This six-acre, high profile 2nd Street site was formerly home to a scrap metal recycling facility and is situated across the street from an elementary school and day care center along the Raritan River waterfront. The activities funded by the grant included Licensed Site Remediation Professional advisory services to the City as owner, extensive community involvement and conceptual planning in partnership with Rutgers University, and MCIA brownfields education for the City's new Green Team, the latter of which now hosts grant coalition partners; and
- The initial phases of a site investigation and conceptual plan for a site that was used for agricultural, residential, and staff educational purposes associated with a state prison in Woodbridge. This investigation is expected ultimately to cost hundreds of thousands of dollars. Given the property's potential, a developer recently approached Woodbridge Township to redevelop it as a mixed-use, multi-story residential and indoor community sports facility complex.

This spring, the grant will fund Preliminary Assessment Reports and, if necessary, Site Investigation work on up to 11 additional sites in Perth Amboy. These sites are expected to be redeveloped as pocket parks, community trails, and the expansion of a heavily-used park in a City with a state-documented and significant play space deficit. Due to budget limitations, we do not expect to be able to fund site investigation work on all of the targeted sites. However, we are pleased to report to you that with the issuance of a contract for this work in July, all remaining grant funds are anticipated to be encumbered.

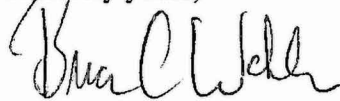
We also are happy to share that the City of Perth Amboy intends to apply for New Jersey Hazardous Site Discharge Fund (HDSRF) grants to continue the investigation work on the recreation-related sites and for New Jersey Green Acres funds for park and trail development. As a state-designated Brownfield Development Area community, the HDSRF monies are anticipated to be awarded.

In addition, next week we anticipate requesting a No-Cost Time Extension for one year for the grant. This request is awaiting approval of the Interim FFR. We understand that this would be the final allowable extension for this grant due to the EPA policy of limiting brownfield grant performance periods to seven years

or less. Should the grant be extended to September 30, 2016, we will be very busy in the next year and a half completing all anticipated activities. For this reason, the MCIA recently retained a federal grant management firm that has assisted with procurement, reporting and other activities. This is reflected in the modified work plan and budget herein.

Thank you for your consideration of this request and for your and your staff's support with the implementation of this USEPA grant. Please do not hesitate to contact Denise Nickel at (609) 409-5002 should you require any further information.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Brian Wahler", written in a cursive style.

Brian Wahler
Program Director

Cc: Yocasta DeJesus, EPA Region 2
Richard Pucci, MCIA
Lory Cattano, MCIA
Daria Venezia, MCIA
Denise Nickel, MCIA
Beth Lander Morris, BRS, Inc.
Leah Yasenchak, BRS, Inc.

Middlesex County Improvement Authority - Brownfields Assessment Coalition
Grant: MODIFIED Work Plan for the City of Perth Amboy & the Township of
Woodbridge

Project Title: Middlesex County Improvement Authority Brownfields Partnership (in the City of Perth Amboy and the Township of Woodbridge)

Grantee: The Middlesex County Improvement Authority

1. Project Overview

The Middlesex County Improvement Authority (MCIA) Brownfields Partnership will focus on properties in two target areas in the communities of the City of Perth Amboy and the Township of Woodbridge. Many properties in the *Redevelopment Area 3 in Perth Amboy* are current or former industrial and commercial properties that are underutilized and suspected of being or known to be contaminated. A similar *Redevelopment Area 1*, on the Arthur Kill, was added to the grant project in a prior Amendment for the Cooperative Agreement. Numerous properties along the *Route One Corridor in the Avenal Section of Woodbridge* are underutilized, suspected of, or known to be contaminated, have inefficient use configurations, and have negative impacts on the surrounding neighborhoods and adjacent retail. Proposed new land uses in Perth Amboy include considerable new waterfront access, recreation, "green" transportation, residential, entertainment and retail, train station linkages, and reconfigured parking facilities. The Township of Woodbridge foresees a mixture of revitalized retail, entertainment, office, hotel, restaurants, and some green spaces as well as infill residential uses in its revitalization plans for the Corridor, a 1950s-style trucking route.

The City of Perth Amboy has used the Perth Amboy Green Team as the grant Partnership Steering Committee. The Green Team in turn, has representatives of several neighborhoods, the Raritan Riverkeeper, the Jewish Renaissance Corporation, and the City Economic Development Office. In the Township of Woodbridge, the Woodbridge Economic Development Corporation and the Woodbridge Redevelopment Agency are Partners. The New Jersey Institute of Technology - Division of Brownfields Resources (NJIT) had been a very important program partner in both communities until its Technical Assistance to Brownfields Grant ended in 2014.

The Brownfields Partnership objectives are to further local redevelopment goals by:

- 1) using USEPA brownfields assessment funds to assess and/or investigate the environmental conditions of selected properties;
- 2) coupling MCIA Redevelopment Program services with grant activities;
- 3) using community input and resources to enhance the quantity and quality of decision making and communications;
- 4) increasing the level of understanding in the community about brownfields and redevelopment initiatives; and
- 5) integrating additional intergovernmental and non-profit organization resources into brownfields and redevelopment projects.

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2. Management and Coordination

Some partnership members will review local goals and make decisions on some coordination methods and the allocation of assessment/investigation funds. However, the proposed and likely arrangement will be as follows:

- The MCIA attorney will be responsible for the legal aspects of reviewing partnership agreements, reviewing and/or drafting and issuing contract-related documents, advising on legal issues, and reviewing site access agreements;
- Municipal attorneys will be responsible for representing municipal interests in partnership agreements, preparing and executing site access agreements, securing access for the MCIA as agents to the municipality; and using court orders to gain access when necessary;
- Environmental consultant(s) (EC) will be responsible for assessments and investigations, regulatory compliance, and support in public communications related to this work;
- Site information will be collected by various entities including the municipalities, project manager (PM), environmental consultant(s), and partnership entities (hereafter Reps.) as appropriate;
- Site inventory work will be compiled by the PM and NJIT;
- Site inventory, single site, and area-based mapping and associated data base will be conducted by NJIT;
- Site selection will be made either by a single group, or by two municipal-based groups from the partnership, or by municipal representatives, as appropriate;
- Bilingual and other communications will be coordinated by the PM with work carried out by Reps. and consultants;
- PM, MCIA attorney, EC and grant support consultant work as listed in tasks below will be charged to the grant;
- PM will bring reports of project progress to the New Jersey Brownfields Roundtable to discuss issues, solve problems, and access additional resources if available.
- PM will assist communities (not charged to the grant) to access New Jersey Hazardous Site Discharge Remediation Funds to further site investigations, if needed;
- PM will assist municipalities to identify and apply for clean-up funds, as appropriate;
- The MCIA will contract with an experienced federal grant management firm, BRS, Inc., to assist with cooperative agreement activities. These activities will include but will not be limited to request for proposals development, site eligibility submissions, EPA QAPP requirements and communications management and reporting;
- The MCIA will provide extensive technical assistance to Woodbridge and Perth Amboy, including planning assistance, redevelopment advice, and help with community engagement.
- There will be site selection representatives organized by the municipalities. There will be technical support, most likely composed of NJIT, Reps., and the PM.

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The PM is estimated to be a ½ to ¾ full time equivalent (FTE). The time of the contract EC is difficult to estimate , but is assumed to be about 1 FTE.

- a. Cooperative Agreement Recipient (CAR) - the project manager will be responsible for all aspects of the project, including grant management and partnership coordination (not negotiable with the Partnership). To manage the partnership, the PM will use the New Jersey Interlocal Agreement process, proposal commitments by representatives, initial project and subsequent meetings and other typical communications. As needed, due to local conditions, grant partners and roles may change.
- b. Coalition Members - the MCIA has managed four prior USEPA Brownfields Assessment grants. As a county-wide entity that does not have its own redevelopment projects, the MCIA has used a collaborative approach with its grant programs to support local redevelopment. The MCIA will enter into an Interlocal Agreement with each municipality, which then will use its own legal jurisdiction over properties. The MCIA will act as a municipal agent to conduct investigation field work. The MCIA will manage all funds. The partnership agreed to divide the funds for the direct contract site work for assessments and investigations approximately in half to begin the program. Through grant budgeting and fund management, the agreed upon amount will be used for direct contract work in each municipality (and for individual representative training). Invoicing by the contract consultant will be billed on a coded site-specific basis as has been done on prior projects. The Partnership members will be kept apprised periodically as funds are drawn down. Towards the latter part of the project period, as contract work funds are approaching an end, the technical ECs and the PM will assess the best ways to take each site to a logical point of work completion. Any decision to allocate more of the remaining funds towards one site versus another most likely will be discussed with the two communities.

For prior grants, the MCIA has used the New Jersey Department of Environmental Protection's Voluntary Clean-up Program for environmental compliance. At that time, the municipality executed a Memorandum of Agreement with the NJDEP for regulatory oversight and USEPA grant funds were used for the NJDEP associated fees for technical oversight of work quality and appropriateness. In May 2009, New Jersey enacted a new Licensed Site Remediation Professional Program whereby the contract EC is legally and professionally responsible for regulatory compliance, document maintenance and miscellaneous tasks. This may have cost implications for site assessments and investigations and there may be period of uncertainty about client (grant recipient) and municipal responsibilities and liabilities. The MCIA management, Counsel and PM will determine how best to manage this uncertainty.

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3.0 Goals and Objectives

- 3.1 Project Overall Goal and Objective: This project supports EPA's Strategic Plan and GPRA Goal 4: Health Communities and Ecosystems, Objective 4.2

Communities – Sustain, Clean Up and Restore Communities and the Ecological Systems that Support Them, Sub-objective 4.2.3 Assess, Clean Up and Redevelop Brownfields.

Outputs: Work Plan, Quality Assurance Project Plan, Sampling Plans, Preliminary Assessment Reports, Site Investigation and/or Remedial Investigation Reports, End-use Plans, Property Profile Forms and ACRES filings, Quarterly Reports, Request for Proposals, Community Involvement, Concept Plan and Concept Plan Report, Arthur Kill Properties Report, Meeting Minutes, Annual Financial Status Reports (FSR), Final FSR, MBE/WBE Utilization Reports, public information brochures, flyers, information cards, web-site listings, Blog Spot content and press articles.

Outcomes: Number and/or size of suspected brownfields properties screened and added to, or confirmed for, local and county inventories, number of properties determined eligible for USEPA funding. Number and/or size of properties assessed, amount of long-term funds leveraged for continued investigation and related redevelopment work. Number of brownfields-related professional service jobs supported. Long term outcomes would include the number of temporary construction and permanent jobs created, property value increment increases, tax revenue increment increases, acres redeveloped, community comments on completed projects and processes, improved brownfields knowledge among City and Township staff, grant partners, and involved community members.

- 3.2 Project-Specific Objectives: the funds will be used to assess, investigate and plan the clean up and redevelopment of selected brownfields sites, consistent with existing or modified Area Redevelopment Plans¹, and to educate local representatives, public officials, and the general public about brownfields. All locally-suggested properties will be incorporated into existing, and any new, brownfield inventories to expand brownfields knowledge and program effectiveness.

¹ Route One Corridor Redevelopment Plan, Township of Woodbridge; Focus 2000, Redevelopment Plan for Area 3, City of Perth Amboy.

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4.0 Project Tasks include:

4.1 Site Identification / Selection

While a Site Selection Group (or similar and including local officials) ultimately will agree on the site selection criteria as appropriate and able, the following factors will be strongly encouraged to be used based on MCIA's past experience with successful brownfields redevelopment projects. These criteria are not listed on order of importance.

Strong Municipal Leadership as shown by:

- the ability of the municipality to gain legal access to the site for the assessments (may include obtaining a court order);
- the willingness of local officials to undertake aggressive redevelopment activities as communicated in brownfields partnership meetings, by official policy, and other communications and actions;
- a target area(s)/site(s) included in designated Redevelopment Areas with adopted Redevelopment Plans under state statute, or the willingness of the municipality to so designate a property to be included in such an area.

Redevelopment Potential as exhibited by:

- the commitment of local leaders, redevelopment professionals, and the affected public (potential can be evaluated by combination of characteristics such as location, configuration, market feasibility, private sector interest or commitments, infrastructure quality, land value and other costs, and other factors);
- and the capacity of the site for a 'green use' (recreational, regional or local greenway and/or green transportation linkage, pocket park, or similar open space uses). Sites also will be analyzed in relation to municipal green space plans, the 2003 Middlesex County Open Space Plan and its pending update, the 2003 Raritan Riverfront Strategy Plan, the Garden State Greenway GIS database, and similar planning efforts.

Community Need as demonstrated by:

- socio-economic and physical-economic infrastructure characteristics of the surrounding neighborhood or area that indicate a need for interventions (such as unemployment, poverty, crime levels, elevated measurements on indices of public health problems (if the data are available at the appropriate geographic level) and/or a pattern of structural and land deterioration, foreclosures, vacancies, tax arrears, chronically inactive businesses, and similar trends;
- detrimental impacts of the site on the surrounding business and/or residential neighborhood as demonstrated by physical and/or economic indicators such as illegal dumping, vandalism, graffiti, fires and other indices of increased public health and safety services and costs; and,
- a need for land uses in the neighborhood such as those proposed for a site.

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Site Selection Tasks and Prioritization

Should there be more sites identified than can be handled by the program, sites will be prioritized by an agreed upon process established by the local groups. The following program Site Selection Tasks will be done to assist with site selection and prioritization:

1. Compile existing data on project area, possible target sites, municipal goals, and entity goals, to share with the partners. Identify data gaps and needs.
 - a. Personnel (hereafter a. always is Personnel) - Project manager (PM), entity representatives (Reps), NJIT.
 - b. Time (hereafter b. is always Time) - Month 1.
2. Gather target site environmental, planning, economic, and social data.
 - a. Municipal staff, NJIT, PM, possibly some Reps.
 - b. Months 1- 3. (NJIT may collect some data prior to grant start).
3. Brownfield Site inventory Project.
 - a. PM, NJIT.
 - b. Throughout grant period as needed. (NJIT may begin some inventory work prior to grant period).
4. Compile remaining basic area and site data, request target site NJDEP records as appropriate.
 - a. NJIT selected Reps, PM.
 - b. Throughout grant period as needed. .
5. Agree on site selection criteria, method of determining site priorities, method of allocating funds between municipalities and assessment/investigation types.
 - a. PM, NJIT, selected Reps. in site selection group(s).
 - b. On-going as needed.
6. Synthesize available data about target site, prepare sites summary report, and prepare maps reflecting data.
 - a. PM, NJIT, municipal staff.
 - b. On-going as needed.
7. Select first round of sites for Preliminary Assessments and Site Investigations.
 - a. local group(s), PM and local staff,
 - b. Months 1-5 and on-going as needed.

4.2 Site Assessments

Site Assessments will be conducted based on the number of sites generated with good potential for the program according to the criteria established by the local group and depending upon what level of assessment is required for a particular site. For example, some sites may have a complete or close to complete Preliminary Assessment (PA) and be ready for the Site Investigation (SI) phase, while others may not have any work yet completed and need a PA. Others may have an incomplete SI and there is a need to bring that work to completion. At this time, it is expected that the grant will ultimately fund: between 17 and 19 PAs; six SI Workplans and site-specific Quality Assurance Project Plans; between one and four

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SIs; one partial Remedial Investigation; and file reviews for sites that will be initially researched but may never be investigated due to a variety of factors such as the lack of access, ineligibility, size or no redevelopment potential). All site assessment work will be done using grant funds. The following program Site Assessment Tasks will be done to achieve the goals:

8. Qualify prospective environmental engineering consultants for work
 - a. MCIA attorney and Proposals Review Committee.
 - b. On-going as needed during the course of the grant.
9. Explore site access with property owners; if needed, begin local Court Order process.
 - a. Municipal staff, municipal attorneys, PM, MCIA attorney.
 - b. On-going as needed during the course of the grant.
10. Secure selected site approval from EPA Brownfields Program and NJDEP Office of Brownfields Reuse as appropriate.
 - a. PM, BRS, EPA Brownfields Program staff, NJDEP Brownfields Office staff.
 - b. On-going as needed.
11. Prepare RFP for environmental engineering consultant.
 - a. PM, NJIT, MCIA attorney, BRS.
 - b. On-going as funds allow during course of the grant.
12. Review draft RFP.
 - a. Select Reps.
 - b. Two weeks from draft completion and on-going as needed.
13. Issue RFP.
 - a. PM, MCIA attorney, MCIA Board.
 - b. One week to one month from review completion and on-going as needed for new properties.
14. Review consultation proposals.
 - a. PM, MCIA attorney and Review Committee, NJIT, select Reps (when appropriate), BRS.
 - b. One month and on-going as needed.
15. Contract consultant.
 - a. PM, MCIA attorney, MCIA Board.
 - b. One month and on-going as needed.
16. Begin preliminary assessment, site or remedial investigation work plans, site or remedial investigations as appropriate for each site.
 - a. EC.
 - b. On-going.
17. Submit site and remedial investigation work plans to USEPA for review
 - a. PM, BRS.
 - b. b. On-going.
18. Submit HASP, QAPP to USEPA
 - a. PM, BRS.
 - b. As appropriate.

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19. Submit preliminary assessment, site investigation, and remedial investigation reports to appropriate entity during NJDEP transition to Licensed Site Remediation Professional oversight program.
 - a. EC, PM, BRS.
 - b. As appropriate.
20. Present findings and plans to partners, community groups and broader public as appropriate.
 - a. EC, PM, Reps, NJIT.
 - b. Variable.
21. Integrate environmental findings into site redevelopment planning.
 - a. Local officials, Reps, PM.
 - b. Variable.

5.0 Community Involvement

As an EPA Brownfields Assessment Coalition Grant, community involvement is built into the structure of the program. Entities, aside from the MCIA and the two municipalities that were appropriate and agreed to participate in the program number five. This participation consists of attending meetings, carrying out some program tasks, and, for some representatives, participating in site selection and attending education or training programs. Members also will have input to their respective localities on end-use planning. Members will bring information to their respective constituents and assist with getting information out to the general public and with translations where needed. In addition, as the project matures, community members may express interest in involvement and will be incorporated into projects and programs to maximize their input.

A variety of communication tools will be used including local websites, print media, flyers and other distributed materials. Such materials will be considered deliverables. If agreeable to the members, and time allows, a brownfields manual (or similar) will be developed for the local library collection and respective redevelopment agencies/offices/entities in each community. The following Community Involvement Tasks will be completed:

22. Identify specific representatives from each participating entity and confirm roles (representatives and roles may change over time) ,
 - a. PM, local entities.
 - b. Prior to project start date, and on-going.
23. Execute Interlocal Agreement between the municipalities and the MCIA.
 - a. PM, MCIA attorney, municipal attorneys.
 - b. 1 - 2 months.
24. Order supplies for partnership and program.
 - a. PM.
 - b. Month 1-2 and on-going as needed.